

REMARKS

Claims 4 and 6-8 have been canceled. Claims 1-3, 5, and 9-12 remain pending in the application. Applicant amends claims 1-2 and 9-12 for clarification, and refers to Fig. 2 and its corresponding description—including page 8, lines 9-18—in the specification for an exemplary embodiment of and support for the claimed invention. No new matter has been added.

Claims 9-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,377,795 to Bach et al. in view of U.S. Patent Application Publication No. 2002/01114431 to McBride et al., and further in view of U.S. Patent No. 5,065,427 to Godbole; claims 1-2 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bach et al. in view of McBride et al., Godbole, and further in view of U.S. Patent No. 5,206,900 to Callele; and claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bach et al., Callele, McBride et al., Godbole, and further in view of U.S. Patent No. 6,026,152 to Cannon et al. Applicant amends claims 1-2 and 9-12 in a good faith effort to further clarify the invention as distinguished from the cited references, and respectfully traverses the rejections.

The Examiner cited Godbole as a new combining reference that allegedly suggests the claimed calling time monitoring features, which features the Examiner conceded were absent from Bach et al. and McBride et al. The cited portions of Godbole only describe, however, setting a limit timer between receiving an incoming call and outputting an “answertone” for answering the incoming call according to type within the time limit. Please see, e.g., Fig. 2A of Godbole. The Examiner apparently relied upon the description of the “answertone” in Godbole as alleged suggestion of the claimed calling tone—and correspondingly, the description in Godbole of setting a five second timer limit between receiving an incoming call and issuing the “answertone” as alleged suggestion of the claimed calling time

monitoring features. The cited portions of Godbole only include, however, description of setting a time limit between going “off hook” for—i.e., receiving or “connecting”—an incoming call, and outputting an “answertone” back to a caller according to call type—e.g., “fax,” “data modem,” or “DTMF digit.” And Godbole, as cited and relied upon by the Examiner, does not disclose or suggest ever issuing such an “answertone” before an incoming call is received and connected. In other words, Godbole, as cited and relied upon by the Examiner, teaches away from issuing a calling tone before connecting a call while monitoring a calling time between the arrival of the call and an issuance of such a calling tone.

Thus, even assuming, arguendo, that it would have been obvious to one skilled in the art at the time the claimed invention was made to combine the cited references, such a combination would still have failed to disclose or suggest,

“[a] method for preventing one-time only calls to a portable telephone set, comprising:
retrieving data from a telephone directory database if a call arrives at a portable terminal device, and determining whether an originating number is registered in the telephone directory database;
monitoring a calling time *between the arrival of the call and an issuance of a calling tone*;
immediately connecting the call *before the issuance of the calling tone* when the originating number is not registered in the telephone directory database, and announcing a prearranged recorded message; and
issuing one or more of the calling tone before connecting the call when the originating number is registered as a predetermined type of originator in the telephone directory database,” as recited in claim 9. (Emphasis added)

Accordingly, Applicant respectfully submits that claim 9, together with claim 10 dependent therefrom, is patentable over the cited references, separately and in combination, for at least the foregoing reasons. Claims 1 and 11 incorporate features that correspond to those of claim 9 cited above, and are, therefore, together with claims 2-3, 5, and 12 dependent therefrom, respectively, patentable over the cited references for at least the same reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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